

I am a XM Radio subscriber and believe that the proposed merger between Sirius Satellite Radio, Inc. and XM Satellite Radio Holdings, Inc. should be approved. Satellite radio faces competition from traditional "free air" radio stations, HD-Radio, Ipods, and other form of downloadable or other media. The traditional "free air" radio industry has, from time to time, done everything they can to "kill" competition and these two satellite radio providers. The merger of these two companies will create a much more robust company that will be able to provide high quality alternative radio-based entertainment and services while realizing a reasonable profit.

Additionally, the merger of Sirius Satellite Radio, Inc. and XM Satellite Radio Holdings, Inc. will allow the automobile entertainment market to remain robust and provide consumers with a multitude of choices from where they obtain their radio entertainment and news. The denial of the proposed merger will cause these two companies to fight a fierce battle for dominance of the satellite radio market. Such a fierce battle will ultimately result in only one company surviving or could, in the worse case scenario, result in both companies failing and going out business.

The opposition to the merger, government and non-government, is speculating about what market forces are going to come into play and hurt or benefit the consumer. Too many variables exist to predict the competitive or anti-competitive effects of this merger. In the end, if the merger is allowed to proceed and the new company should not be allowed to increase the subscription rate current in place until after one year from the effective date of the merger. The company should be allowed to lower subscription rates if they so desire.

The government should not be concerned about rising rates after the end of the proposed one-year rate freeze that I propose. If XM Satellite Radio Holdings, Inc. elects to increase subscription rates after this time period, the consumer will make the ultimate decision about whether the new company will survive in the market place by electing to continue or cancel their subscription. Also, I believe that if the subscription rate is increased over time a new competitor will emerge and enter the industry to provide for competition that will keep the subscription rates down.

I recommend that the order approving the merger prohibit the ownership of any shares in Sirius Satellite Radio, Inc. and XM Satellite Radio Holdings, Inc. and its successor company (after the merger) by a traditional "free air" radio station, television broadcast corporation, printed media company, or any holding company that owns outright or a share of a traditional "free air" radio station, television broadcast corporation, printed media company. Such a provision in the order will prevent the creation of a communications media monopoly.

I look forward to the approval of the proposed merger of Sirius Satellite Radio, Inc. and XM Satellite Radio Holdings, Inc. and the multitude of new stations that XM and Sirius radio subscribers will have access to as the result of the approval and implementation of the proposed merger.

I want to take this opportunity to comment on the fact that the electronic commenting process the FCC has in place is not very user friendly to say the least. Surely you can simplify the process.

The foregoing comments are those of the author of this e-mail and not that of the Insurance Council of Texas. The recipients of these comments should in no way misconstrue the comments as those of the Insurance Council of Texas.

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<BR><FONT SIZE=3D2 FACE=3D"Courier New">&lt;NAME&gt; Steven W.  
Nichols</FONT>

<BR><FONT SIZE=3D2 FACE=3D"Courier New">&lt;ADDRESS1&gt; 1604 Verbena  
Way</FONT>

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<BR><FONT SIZE=3D2 FACE=3D"Courier New">&lt;CITY&gt; Round Rock</FONT>

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snichols@insurancecouncil.org</FONT>

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